

AARON D. FORD
Attorney General
Marni Watkins (Bar No. 9674)
Chief Litigation Counsel
D. Randall Gilmer (Bar No. 14001)
Chief Deputy Attorney General
Office of the Attorney General
555 E. Washington Ave, Suite 3900
Las Vegas, NV 89101
(702) 486-8727 (phone)
(702) 486-3773 (fax)
mkwatkins@ag.nv.gov
dgilmer@ag.nv.gov

*Attorneys for Defendants
Greg Cox, Renee Baker, and Eric Boardman*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STACEY M. RICHARDS,

Plaintiff,

vs.

GREG COX, et al.,

Defendants.

Case No. 2:16-cv-01794-JCM-PAL

**JOINT STIPULATION TO CONTINUE
TRIAL
(First Request)**

Defendants GREG COX, RENEE BAKER and ERIC BOARDMAN (“Defendants”), by and through counsel, AARON D. FORD, Attorney General of the State of Nevada, and Marni Watkins Bureau Chief, Complex Litigation and Plaintiff STACEY M. RICHARDS (“Plaintiff”), by and through counsel, RICHARD SCHONFELD and JOHN BURTON (jointly “The Parties”), hereby stipulate (first request) and agree to continue the trial in this case and the associated dates established by the Court.

District courts have inherent power to control their dockets. *Hamilton Copper & Steel Corp. v. Primary Steel, Inc.*, 898 F.2d 1428, 1429 (9th Cir. 1990); *Oliva v. Sullivan*, 958 F.2d 272, 273 (9th Cir. 1992). A motion for a continuance of trial should be granted for good cause. FED. R. CIV. P. 16(b)(4). “The determination of whether to grant a motion for trial continuance rests in the sound discretion of the trial court.” *U.S. v. Makley*, 468 F.2d 916, 917 (9th Cir. 1972).

1 The Parties respectfully stipulate, agree, and request that the Court continue the
2 trial and associated dates in this case. The trial in this matter was originally set on the
3 April 24, 2023, trial stack. The Parties were prepared and ready to proceed, however at
4 the April 4, 2023, Master Trial Scheduling Conference, the trial was reset for the May 8,
5 2023, trial stack. There was a second Master Trial Scheduling Conference held on April
6 18, 2023, whereby The Parties informed the Court that they were ready to proceed to trial.
7 The Court informed The Parties “that Judge Mahan has another criminal trial that has a
8 pending motion to continue trial.” Minute of Proceedings dated April 18, 2023, ECF 160.
9 The Court further informed The Parties that “[a] decision in that matter will be issued by
10 the end of business on Friday, 4/21/2023 and the parties are instructed to follow up with
11 the Court as to trial status after this date.” *Id.*

12 On the morning of April 24, 2023, the Court issued a Minute Order in Chambers
13 resetting the jury trial for May 22, 2023. ECF 161 and 162. The Parties have a conflict
14 with the May 22, 2023 trial date. This trial will take approximately seven (7) days to
15 complete. Defense counsel, Marni Watkins, has had a family trip to the Cayman Islands
16 planned for months in celebration of her husband’s 44th birthday. Defense counsel, Randy
17 Gilmer has his son’s high school graduation to attend. Defendant James Cox will be
18 unavailable for trial because he will be travelling for his grandson’s graduation and
19 Plaintiff’s treating medical provider will not be available until after June 11, 2023. Because
20 of these scheduling conflicts, Plaintiff and defense counsel conferred and agreed to continue
21 this trial until after June 11, 2023, when Plaintiff’s treating physician can be available.

22 This request is not made for the purpose of undue delay and is brought in good faith.
23 The Court and parties will not be prejudiced by this request. The additional time will also
24 allow the parties’ counsel to meet and confer regarding pre-trial matters, to coordinate
25 exhibits, and to facilitate a more effective trial. Furthermore, there should be no known
26 inconvenience to the Court or parties, or any witness because of this request for a
27 continuance.
28

Furthermore, a continuance would grant the parties additional time to re-open settlement negotiations and explore the possibilities for a settlement agreement prior to trial. The parties will in good faith use additional time to discuss possible ways to resolve this matter before trial.

Accordingly, the parties assert that the requisite good cause is present to justify continuance pursuant to Local Rule IA6-1. Therefore, the parties respectfully request that this Court continue the trial in this case and the associated dates. The parties offer the following suggested trial dates:

1. The week beginning June 26, 2023
2. The August, 2023 stack

DATED this 25th day of April, 2023.

CHESNOFF & SCHONFELD

DATED this 25th day of April, 2023.

AARON D. FORD
Attorney General

By: approved as to form and content
RICHARD SCHONFELD
Nevada Bar No. 6815
520 South Fourth Street, 2nd Floor
Las Vegas, Nevada 89101
Attorneys for Plaintiff

By: /s/ Marni Watkins
MARNI WATKINS (Bar No. 9674)
Chief Litigation Counsel
D. RANDALL GILMER (Bar No. 14001)
Chief Deputy Attorney General
Attorneys for Defendants

DATED this 25th day of April, 2023

THE LAW OFFICES OF JOHN BURTON

By: /s/ John Burton
JOHN BURTON, *Pro Hac Vice*
California Bar No. 86029
128 North Fair Oaks Avenue
Pasadena, California 91103
jb@johnburtonlaw.com
Attorneys for Plaintiff

IT IS ORDERED that the trial currently set for May 22, 2023, is reset to June 26, 2023 at 9:00 a.m. The calendar call currently set for May 17, 2023, is reset to June 22, 2023 at 1:30 p.m.

IT IS SO ORDERED.

DATED April 26, 2023.


UNITED STATES DISTRICT JUDGE

From: John Burton <jb@johnburtonlaw.com>
Sent: Tuesday, April 25, 2023 10:42 AM
To: Marni K. Watkins <MKWatkins@ag.nv.gov>
Cc: Richard Schonfeld <rschonfeld@cslawoffice.net>
Subject: Joint Stipulation to Continue the Trial Date ver 2 with JB edits

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Marni, Thank you for clearing the 26th. Plaintiff was injured more than eight years ago and is anxious to get his claim resolved one way or the other.

I made a few minor non-substantive edits in track changes.

Otherwise fine with me to file. I don't need to see another draft.

John

John Burton
Co-Counsel for Plaintiff
THE LAW OFFICES OF JOHN BURTON
128 North Fair Oaks Avenue
Pasadena, California 91103
jb@johnburtonlaw.com
Tel: (626) 449-8300
Fax: (626) 440-5968